

106TH CONGRESS  
1ST SESSION

# H. R. 191

To improve the integrity of the Social Security card and to provide for criminal penalties for fraud and related activity involving work authorization documents for purposes of the Immigration and Nationality Act.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. MCCOLLUM (for himself, Mr. BEREUTER, Mr. BILBRAY, Mr. CAMPBELL, Mr. CUNNINGHAM, Mr. HORN, Mr. HUNTER, Mr. ROHRABACHER, Mr. SHAYS, Mr. SHERMAN, Mr. STARK, and Mr. STENHOLM) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To improve the integrity of the Social Security card and to provide for criminal penalties for fraud and related activity involving work authorization documents for purposes of the Immigration and Nationality Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROTECTING THE INTEGRITY OF THE SOCIAL**  
4 **SECURITY ACCOUNT NUMBER CARD.**

5 (a) IMPROVEMENTS TO CARD.—

1           (1) IN GENERAL.—For purposes of carrying out  
2           section 274A of the Immigration and Nationality  
3           Act, the Commissioner of Social Security (in this  
4           section referred to as the “Commissioner”) shall  
5           make such improvements to the physical design,  
6           technical specifications, and materials of the social  
7           security account number card as are necessary to  
8           ensure that it is a genuine official document and  
9           that it offers the best possible security against coun-  
10          terfeiting, forgery, alteration, and misuse.

11          (2) PERFORMANCE STANDARDS.—In making  
12          the improvements required in paragraph (1), the  
13          Commissioner shall—

14                (A) make the card as secure against coun-  
15                terfeiting as the 100 dollar Federal Reserve  
16                note, with a rate of counterfeit detection com-  
17                parable to the 100 dollar Federal Reserve note,  
18                and

19                (B) make the card as secure against fraud-  
20                ulent use as a United States passport.

21          (3) REFERENCE.—In this section, the term “se-  
22          cured social security account number card” means a  
23          social security account number card issued in ac-  
24          cordance with the requirements of this subsection.

1           (4) EFFECTIVE DATE.—All social security ac-  
2           count number cards issued after January 1, 2002,  
3           whether new or replacement, shall be secured social  
4           security account number cards.

5           (b) USE FOR EMPLOYMENT VERIFICATION.—Begin-  
6           ning on January 1, 2008, a document described in section  
7           274A(b)(1)(C) of the Immigration and Nationality Act is  
8           a secured social security account number card (other than  
9           such a card which specifies on the face that the issuance  
10          of the card does not authorize employment in the United  
11          States).

12          (c) NOT A NATIONAL IDENTIFICATION CARD.—  
13          Cards issued pursuant to this section shall not be required  
14          to be carried upon one's person, and nothing in this sec-  
15          tion shall be construed as authorizing the establishment  
16          of a national identification card.

17          (d) NO NEW DATABASES.—Nothing in this section  
18          shall be construed as authorizing the establishment of any  
19          new databases.

20          (e) EDUCATION CAMPAIGN.—The Commissioner of  
21          Immigration and Naturalization, in consultation with the  
22          Commissioner of Social Security, shall conduct a com-  
23          prehensive campaign to educate employers about the secu-  
24          rity features of the secured social security card and how

1 to detect counterfeit or fraudulently used social security  
2 account number cards.

3 (f) ANNUAL REPORTS.—The Commissioner of Social  
4 Security shall submit to Congress by July 1 of each year  
5 a report on—

6 (1) the progress and status of developing a se-  
7 cured social security account number card under this  
8 section,

9 (2) the incidence of counterfeit production and  
10 fraudulent use of social security account number  
11 cards, and

12 (3) the steps being taken to detect and prevent  
13 such counterfeiting and fraud.

14 (g) GAO ANNUAL AUDITS.—The Comptroller Gen-  
15 eral shall perform an annual audit, the results of which  
16 are to be presented to the Congress by January 1 of each  
17 year, on the performance of the Social Security Adminis-  
18 tration in meeting the requirements in subsection (a).

19 (h) EXPENSES.—No costs incurred in developing and  
20 issuing cards under this section that are above the costs  
21 that would have been incurred for cards issued in the ab-  
22 sence of this section shall be paid for out of any Trust  
23 Fund established under the Social Security Act. There are  
24 authorized to be appropriated such sums as may be nec-  
25 essary to carry out this section.

1 **SEC. 2. CRIMINAL PENALTIES FOR FRAUD AND RELATED**  
2 **ACTIVITY WITH WORK AUTHORIZATION**  
3 **DOCUMENTS.**

4 (a) IN GENERAL.—Section 1028 of title 18, United  
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraphs (1) and (2) by striking  
8 “an identification document or a false identi-  
9 fication document” each place it appears and  
10 inserting “an identification document, false  
11 identification document, work authorization  
12 document, or false work authorization docu-  
13 ment”;

14 (B) in paragraph (3) by striking “identi-  
15 fication documents (other than those issued  
16 lawfully for the use of the possessor) or false  
17 identification documents” and inserting “identi-  
18 fication or work authorization documents (other  
19 than those issued lawfully for the use of the  
20 possessor) or false identification or work au-  
21 thorization documents”;

22 (C) in paragraph (4) by striking “an iden-  
23 tification document (other than one issued law-  
24 fully for the use of the possessor) or a false  
25 identification document” and inserting “an  
26 identification or work authorization document

1 (other than one issued lawfully for the use of  
2 the possessor) or a false identification or work  
3 authorization document”;

4 (D) in paragraph (5) by inserting “or in  
5 the production of a false work authorization  
6 document” after “false identification docu-  
7 ment”; and

8 (E) in paragraph (6) by inserting “or work  
9 authorization document” after “identification  
10 document” each place it appears;

11 (2) in subsection (b)(1)—

12 (A) by striking “an identification docu-  
13 ment or false identification document” in sub-  
14 paragraph (A) and inserting “an identification  
15 document, false identification document, work  
16 authorization document, or false work author-  
17 ization document”;

18 (B) in subparagraph (A)—

19 (i) by striking “or” at the end of  
20 clause (i);

21 (ii) by inserting “or” at the end of  
22 clause (ii); and

23 (iii) by inserting the following new  
24 clause after clause (ii):

1 “(iii) a work authorization docu-  
2 ment;”; and

3 (C) by striking “identification documents  
4 or false identification documents” in subpara-  
5 graph (B) and inserting “identification docu-  
6 ments, false identification documents, work au-  
7 thorization documents, or false work authoriza-  
8 tion documents”;

9 (3) in subsection (b)(2)(A) by striking “a false  
10 identification document;” and inserting “a false  
11 identification document, work authorization docu-  
12 ment, or false work authorization document;”;

13 (4) in subsection (c)—

14 (A) by striking “identification document or  
15 false identification document” each place it ap-  
16 pears in paragraph (1) and inserting “identi-  
17 fication document, false identification docu-  
18 ment, work authorization document, or false  
19 work authorization document”; and

20 (B) by adding “work authorization docu-  
21 ment, false work authorization document,” after  
22 “false identification document,” in paragraph  
23 (3); and

24 (5) in subsection (d)—

1 (A) by striking “and” at the end of para-  
2 graph (5);

3 (B) by striking the period at the end of  
4 paragraph (6) and inserting “; and”; and

5 (C) by inserting after paragraph (6) the  
6 following new paragraph:

7 “(7) the term ‘work authorization document’  
8 means any document described in section  
9 274A(b)(1)(C) of the Immigration and Nationality  
10 Act.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) IDENTITY THEFT AND ASSUMPTION DETER-  
13 RENANCE ACT.—Section 4(b)(2) of the Identity Theft  
14 and Assumption Deterrence Act of 1998 (Public  
15 Law 105–318; 112 Stat. 3010) is amended by strik-  
16 ing “or false identification documents” and inserting  
17 “false identification documents, work authorization  
18 documents, or false work authorization documents”.

19 (2) HEADING.—The heading for section 1028  
20 of title 18, United States Code, is amended to read  
21 as follows:

1 **“§ 1028. Fraud and related activity in connection**  
2 **with identification and work authoriza-**  
3 **tion documents and information”**

4 (c) CLERICAL AMENDMENT.—The item relating to  
5 section 1028 in the table of sections at the beginning of  
6 chapter 47 of title 18, United States Code, is amended  
7 to read as follows:

“1028. Fraud and related activity in connection with identification and work au-  
thorization documents and information.”.

